

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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2007 JUL 25 11:07

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STEPHEN M. MOBLEY (1, 2, & 3),
TED BETTKER (1),
GEORGE NELSON (1),
TONY STONEROCK (1), and
JASON SMITH (1),

Defendants,

Criminal No.:

1107CR 0097
INDICTMENT

18 U.S.C. § 1349

18 U.S.C. §§ 1341 and 2

18 U.S.C. § 1028A

18 U.S.C. § 982

DLOTT

The Grand Jury Charges that:

COUNT 1
CONSPIRACY (18 U.S.C. § 1349)

A. GENERAL ALLEGATIONS

Beginning in approximately December 2005 and continuing through the date of this Indictment, within the Southern District of Ohio and elsewhere, defendants **STEPHEN M. MOBLEY, TED BETTKER, GEORGE NELSON, TONY STONEROCK, and JASON SMITH** (hereinafter collectively "the defendants") and other persons known and unknown to the Grand Jury conspired to devise a scheme to obtain moneys, funds, and other property under the custody and control of CitiBank, N.A. (hereinafter "CitiBank") the deposits of which were at all relevant times insured by the Federal Deposit Insurance Corporation, by means of false and fraudulent pretenses, representations, and promises.

The defendants' conspiracy to execute a scheme to defraud CitiBank was organized and spearheaded by **STEPHEN M. MOBLEY**, and generally involved opening fraudulent business credit card accounts. The defendant and his co-conspirators would open the fraudulent accounts by submitting account applications that were false in at least one material respect. The fraudulent accounts were opened by defendant **STEPHEN M. MOBLEY**, generally online, in his name or under the name of one of his co-conspirators. Sometimes the application to open the fraudulent account would contain a false personal identifier; in other cases the application would contain the real personal identifiers of co-conspirators (who provided the information to **STEPHEN M. MOBLEY** in furtherance of the scheme to defraud) and the name of a legitimate business entity but one with which the person in whose name **STEPHEN M. MOBLEY** was submitting the card was not affiliated.

B. SCHEME TO DEFRAUD

A summary of the scheme to defraud is as follows:

(1) **STEPHEN M. MOBLEY** would approach other individuals about a plan he had devised by which he could open business credit card accounts in the individuals' names using the individuals' personal identifiers (or, in some cases, false personal identifiers) and a legitimate business (but one with which neither **STEPHEN M. MOBLEY** nor the individuals were affiliated);

(2) **STEPHEN M. MOBLEY** would explain that the credit card companies "write this stuff off" and that once the account was opened in the individuals' name, the individuals could use the credit as they wished (to make purchases or obtain cash by depositing checks drawn on the account) but would not need to make any payments;

(3) **STEPHEN M. MOBLEY** would offer to open a fraudulent account as described

above on the condition that the individual in whose name the fraudulent CitiBank account was opened give **STEPHEN M. MOBLEY** access (via credit card or check drawn on the account) to a certain percentage of the total credit line (usually 50%);

(4) **STEPHEN M. MOBLEY** would obtain the personal identifiers of the individuals (the individual having agreed to participate in the scheme, thereby becoming a co-conspirator of **STEPHEN M. MOBLEY**), as well as other information such as tax identification numbers of the individuals' businesses, and submit a fraudulent business credit application to CitiBank either online or over the telephone in the individual's name;

(5) CitiBank would mail the credit cards for the account to the individual in whose name **STEPHEN M. MOBLEY** had opened the account. That individual (or an agent of that individual) would then deliver some or all of the credit cards to **STEPHEN M. MOBLEY**, pursuant to the agreement reached with the individual described above;

(6) **STEPHEN M. MOBLEY** would activate the fraudulent cards and sometimes request checks from CitiBank so that the credit authorized by CitiBank could be converted to cash;

(7) **STEPHEN M. MOBLEY** and the other individuals (his co-conspirators, named in the instant Indictment) would make purchases and write checks against the fraudulent CitiBank business credit card accounts that **STEPHEN M. MOBLEY** had opened in their names;

Defendant **STEPHEN M. MOBLEY** furthered this scheme by devising the scheme and acting as its ringleader. **STEPHEN M. MOBLEY** approached the other individuals named in this Indictment and recruited them to participate in the scheme. For the purpose of executing the scheme he obtained from them their personal identifiers and other information required to open the fraudulent accounts. **STEPHEN M. MOBLEY** submitted the applications to CitiBank - either online or over the telephone. Once the account was opened he obtained the cards from the

individual whose name appeared on the card and activated the cards. He then made purchases using the fraudulently-obtained credit cards and otherwise accessed the fraudulently-opened CitiBank credit account. **STEPHEN M. MOBLEY** also applied for and received fraudulent business credit cards in the name of MM Property Management, a legitimate business owned by **STEPHEN M. MOBLEY**. In applying for the accounts, **STEPHEN M. MOBLEY** submitted a fraudulent social security number. As a consequence of these fraudulent credit card applications, CitiBank authorized one account with a \$20,000 credit limit (billing account number 5082290039545014; sub-account number 5588280039712663). **STEPHEN M. MOBLEY** also furthered the scheme to defraud CitiBank by conspiring with the other defendants named herein as described below.

TED BETTKER furthered this scheme by providing **STEPHEN M. MOBLEY** with his personal identifiers and the tax identification numbers of his businesses, by receiving the fraudulent credit cards assigned to the fraudulent accounts opened by **STEPHEN M. MOBLEY** in the mail directly from CitiBank, by providing his wife's personal identifiers so that **STEPHEN M. MOBLEY** could open fraudulent business credit card accounts in her name, and by making purchases using the fraudulent credit cards and checks drawn on the fraudulent accounts. **TED BETTKER** also took actions, at the direction of **STEPHEN M. MOBLEY**, to deceive CitiBank by hiding the fraudulent nature of the accounts **STEPHEN M. MOBLEY** opened using **TED BETTKER'S** personal identifiers and other information. For example, at the direction of **STEPHEN M. MOBLEY**, **TED BETTKER** established multiple post office boxes so as to enable **TED BETTKER** and **STEPHEN M. MOBLEY** to receive multiple checks from CitiBank on the same fraudulent account. The actions of defendant **TED BETTKER** in furtherance of the defendants' conspiracy to defraud are outlined more

specifically below, in section D paragraphs 1-14.

GEORGE NELSON furthered this scheme by submitting fraudulent business credit card applications (or causing such fraudulent business credit card applications to be submitted by **STEPHEN M. MOBLEY**) to Citibank. **GEORGE NELSON** or another submitted or caused to be submitted applications for three business credit card accounts under the business name "Jena Tool." Jena Tool Corporation is a legitimate business located in Dayton, Ohio, but one with which neither **GEORGE NELSON** nor **STEPHEN M. MOBLEY** were affiliated (and one that had not authorized **GEORGE NELSON** or **STEPHEN M. MOBLEY** to open these accounts). As a consequence of the fraudulent credit card account applications described above, CitiBank on June 16, 2006 authorized one credit card account (billing credit card account #5082290017006799, sub-account #5588280018067667) with a total credit limit on both accounts of \$50,000. Also as a consequence of the fraudulent credit card account applications described above, CitiBank on July 13th, 2006 authorized one billing credit card account (#5082290037856188) and one sub-account credit card account (#5588280021351074) with a total credit limit on both accounts of \$25,000. On the same day, Citibank also authorized one additional billing credit card account (#5082290041855815) and one sub-account credit card account (#5588280041051324) with a total credit limit on both accounts of \$25,000.

TONY STONEROCK furthered this scheme by submitting fraudulent business credit card applications (or causing such fraudulent business credit card applications to be submitted by **STEPHEN M. MOBLEY**) to Citibank. **TONY STONEROCK** or another submitted or caused to be submitted applications for five business credit card accounts - three in the business name of "Planet Products," a legitimate business located in Cincinnati, Ohio, but one with which neither **STEPHEN M. MOBLEY** nor **TONY STONEROCK** were affiliated, and two in the business

name of MM Management, a legitimate business of **STEPHEN M. MOBLEY** located in the Dayton, Ohio area. As a consequence of the fraudulent credit card account applications described above, CitiBank on February 2, 2006 authorized one billing credit card account (#5082290036441043) and one sub-account (#5588280038541865) with a total credit limit on both accounts of \$20,000 in the business name of MM Property Management; on February 2, 2006, CitiBank authorized one billing credit card account (#5082290045822027) and one sub-account (#5588280026511875) with a total credit limit on both accounts of \$20,000 in the business name of MM Property Management; on March 24, 2006, Citibank authorized one billing credit card account (#5082290026369923) and one sub-account (#5588280018108917) with a total credit limit on both accounts of \$50,000 in the business name of Planet Products; on April 19, 2006, CitiBank authorized one billing credit card account (#5082290028968375) and one sub-account (#5588280002866280) with a total credit limit on both accounts of \$50,000 in the business name of Planet Products; on May 8, 2006, Citibank authorized one billing credit card account (#5082290026806957) and one sub-account (#5588280026052248) with a total credit limit on both accounts of \$30,000 in the business name of Planet Products.

JASON SMITH furthered this scheme by submitting fraudulent business credit card applications (or causing such fraudulent business credit card applications to be submitted by **STEPHEN M. MOBLEY**) to Citibank. **JASON SMITH** or another submitted or caused to be submitted applications for three business credit card accounts under the business name "Five Star," a legitimate business owned by **TED BETTKER**. **JASON SMITH** had previously worked for **TED BETTKER** at Five Star but was not authorized to open a business credit card under the name. As a consequence of the fraudulent credit card account applications described above, CitiBank on February 23, 2006 authorized one billing credit card account

(#5082290018820065) and one sub-account (#5588280025024354) with a total credit limit on both accounts of \$25,000, one billing credit card account (#5082290000811510) and one sub-account (#5588280012651961) with a total credit limit on both accounts of \$25,000, and one billing credit card account (#5082290005527848) and one sub-account (#5588280029598700) with a total credit limit on both accounts of \$25,000, all in the name of "Five Star."

Additional co-conspirators, known to the Grand Jury but not named herein, also participated in the scheme led by **STEPHEN M. MOBLEY**. These additional participants furthered the scheme much like **TED BETTKER** did; that is, by providing personal identifiers and other information which **STEPHEN M. MOBLEY** could use to open the fraudulent CitiBank business credit card accounts as outlined herein.

The victims of the scheme devised by **STEPHEN M. MOBLEY** and executed by both the defendants named herein and other individuals (both known and unknown to the Grand Jury), was CitiBank, who suffered an actual financial loss of approximately \$767,732.74.

C. THE CHARGE

Beginning in approximately December 2005 and continuing up through the date of this Indictment, in the Southern District of Ohio and elsewhere, the defendants and others known and unknown to the Grand Jury did unlawfully, knowingly, and willfully combine, conspire, confederate, and agree to commit certain offenses against the United States, that is:

1. The defendants devised a scheme and artifice to defraud CitiBank (as described above in Section B), and obtain the money, funds, and property of CitiBank by false and fraudulent pretenses, representations, and promises, by submitting fraudulent business credit card applications for the purpose of opening fraudulent credit card accounts, in violation of Title

18, United States Code, Section 1344;

2. In furtherance of the scheme and artifice described above in Section B, the defendants knowingly and unlawfully transmitted and caused to be transmitted in interstate commerce, by means of wire communications, certain signs, signals, and sounds, that is, interstate telephone and online communications, all to and from outside the Southern District of Ohio to and from the Southern District of Ohio, in violation of Title 18, United States Code, Section 1343; and;

3. In furtherance of the scheme and artifice described above in Section B, the defendants knowingly and unlawfully deposited and caused others to deposit letters, correspondence, and other matter to be sent and delivered by private and commercial interstate carrier, and took and received therefrom letters, correspondence, and other matter in violation of Title 18, United States Code, Section 1341.

D. OVERT ACTS

In furtherance of such conspiracy and to effect the objects of the conspiracy, the defendants committed the following overt acts, among others, in the Southern District of Ohio and elsewhere:

1. In February 2006, **STEPHEN M. MOBLEY**, contacted **TED BETTKER** and said that he could help with **TED BETTKER'S** financial problems. **STEPHEN M. MOBLEY** told **TED BETTKER** that he knew a way to obtain fraudulent CitiBank business credit cards in **TED BETTKER'S** name, each card having approximately a \$20,000 - \$25,000 credit limit. **STEPHEN M. MOBLEY** told **TED BETTKER** that in exchange for obtaining the fraudulent cards, he

(**STEPHEN M. MOBLEY**) would get to keep a fraudulent credit card for his own use, up to 50% of the total credit limit of the fraudulent account. **STEPHEN M. MOBLEY** told **TED BETTKER** that he could either pay off the balance each month or not pay it off; **STEPHEN M. MOBLEY** told **TED BETTKER** that it wouldn't matter because **TED BETTKER** was already in bankruptcy and thus there was no risk of ruined credit.

2. At the direction of **STEPHEN M. MOBLEY**, **TED BETTKER** provided **STEPHEN M. MOBLEY** with **TED BETTKER'S** social security number and other personal information, as well as the tax identification numbers for all of **TED BETTKER'S** business. **STEPHEN M. MOBLEY** told **TED BETTKER** that he would be approved for three business credit card accounts totaling \$55,000.00; two for \$20,000.00 and one for \$15,000.00. **STEPHEN M. MOBLEY** instructed **TED BETTKER** to contact him when the credit cards arrived by mail to **TED BETTKER's** residence.
3. Pursuant to **STEPHEN M. MOBLEY'S** instructions, **TED BETTKER** contacted **STEPHEN M. MOBLEY** when the fraudulent credit cards arrived in the United States mail at his residence. **TED BETTKER** delivered the fraudulent cards to **STEPHEN M. MOBLEY**.
4. On or about February 2, 2006, **STEPHEN M. MOBLEY** activated the cards by making an interstate telephone call to CitiBank. Pursuant to the agreement with **TED BETTKER**, **STEPHEN M. MOBLEY** kept one of the fraudulent cards (with a \$20,000.00 limit), gave **TED BETTKER'S** wife a fraudulent card (with a

\$20,000.00 limit), and sent a third fraudulent card (with a \$15,000.00 limit) via overnight service through the United States mail to **TED BETTKER** (who was working in Florida). Pursuant to their agreement (whereby **STEPHEN M. MOBLEY** and **TED BETTKER** would split the proceeds of their fraud, "proceeds" meaning the available credit limit), **STEPHEN M. MOBLEY** and **TED BETTKER** had an understanding that **STEPHEN M. MOBLEY** was entitled to 50% of the credit limit on the third card (i.e., \$7,500).

5. Subsequently, both **STEPHEN M. MOBLEY** and **TED BETTKER** made purchases using the above-referenced credit cards and otherwise accessed the credit limits. For example, **STEPHEN M. MOBLEY** caused a convenience check (#1002) dated March 8, 2006 in the amount of \$10,000 drawn on fraudulent account #5082290040645266 to be written to payee Comdata Corp., a company affiliated with **STEPHEN M. MOBLEY**. **TED BETTKER** caused a convenience check (#1002) dated March 9, 2006 in the amount of \$2,203.80 drawn on fraudulent account #5082290036484738 to be written to payee GMAC for a van payment.
6. Subsequently, in approximately May 2006, **STEPHEN M. MOBLEY** contacted **TED BETTKER** regarding a second set of CitiBank business credit cards. **STEPHEN M. MOBLEY** told **TED BETTKER** that **STEPHEN M. MOBLEY** could obtain an additional fraudulent CitiBank business credit card account with a \$50,000.00 credit limit.

7. After the fraudulent cards referenced above in paragraph 6 arrived by mail to **TED BETTKER'S** residence, **TED BETTKER** contacted **STEPHEN M. MOBLEY**, who arranged to obtain the fraudulent cards. On or about June 2, 2006, **STEPHEN M. MOBLEY** activated the fraudulent cards by contacting CitiBank via interstate telephone call.
8. On or about June 2, 2006, **TED BETTKER** and/or **STEPHEN M. MOBLEY** wrote or caused to be written three convenience checks (#1001, #1002, #1003) and three balance transfer checks (#9160005056, #9160005057, #9160005062). The checks were written in the following amounts: \$4,000 (#1001), \$4,000 (#1002), \$5,000 (#1003), \$12,411 (#9160005056), \$12,000 (#9160005057), and \$12,500 (#9160005062). The payee of each convenience check was in some way affiliated with **STEPHEN M. MOBLEY** and **TED BETTKER** and the balance transfer checks were written to Nextel, a business owned by **STEPHEN M. MOBLEY**, Five Star, a business owned by **TED BETTKER**, and another company affiliated with **STEPHEN M. MOBLEY**.
9. Subsequently, on or about June 26, 2006, **TED BETTKER** received another CitiBank business credit card in the name of Ted Bettker, Five Star, account #5082290013704231, in the mail at his residence (722 Peach Orchard Drive, West Carrollton, Ohio) without any prior knowledge that it was coming. **TED BETTKER** had not previously discussed the acquisition of additional fraudulent CitiBank business credit cards with **STEPHEN M. MOBLEY**. The credit limit for the new fraudulent card was \$4,000.00.

10. **TED BETTKER** subsequently contacted **STEPHEN M. MOBLEY** about the new fraudulent credit card. **STEPHEN M. MOBLEY** confirmed that he had ordered an additional fraudulent card for **TED BETTKER**.
11. Subsequently, on or about July 14, 2006, **STEPHEN M. MOBLEY** activated the new account. Thereafter, **STEPHEN M. MOBLEY** and **TED BETTKER** each obtained a convenience check drawn on the new fraudulent account in the amount of \$2,000.
12. Subsequently, in approximately August 2006, **STEPHEN M. MOBLEY** approached **TED BETTKER** about opening additional fraudulent CitiBank business credit card accounts and obtaining additional fraudulent credit cards (a fourth set). **STEPHEN M. MOBLEY** told **TED BETTKER** that **STEPHEN M. MOBLEY** could get **TED BETTKER'S** wife approved for similar fraudulent Citibank business credit cards if **TED BETTKER** would give **STEPHEN M. MOBLEY** her personal information (social security number, date of birth, etc). **TED BETTKER** agreed to participate in the fraud and provided the information that **STEPHEN M. MOBLEY** requested, without his wife's knowledge or consent.
13. Based on the fraudulent applications submitted by **STEPHEN M. MOBLEY** under the name of **TED BETTKER'S** wife, a person known to the Grand Jury as **L.G.**, using the business name of Crowne Lift Trucks (a legitimate business located in Vandalia, Ohio but with which **L. G.** was not affiliated), CitiBank on August 25, 2006, authorized one business billing credit card

account#5082290022749912 and one sub-account #5588280011021000) and a different billing account (#50082290040310267) and sub-account (#5588280034979812). These cards collectively had a credit limit of \$50,000. The cards were activated by **STEPHEN M. MOBLEY**, using **TED BETTKER'S** cell phone, on September 7, 2006.

14. At this point in time, for the purpose of deceiving CitiBank and to facilitate the acquisition of more checks on additional accounts, **STEPHEN M. MOBLEY** told **TED BETTKER** to obtain two post office boxes. Acting on **STEPHEN M. MOBLEY'S** instructions, **TED BETTKER** obtained two post office boxes: one in the name of Ted Bettker, Five Star Services, in West Carrollton, Ohio (P.O. Box 49398), opened on or about September 8, 2006; and one in the name of Ted and Leslie Bettker, KWTB, Inc, in Miamisburg, Ohio (P.O. Box 1021), opened on or about September 13, 2006.
15. On or about September 15 and September 18, 2006, **STEPHEN M. MOBLEY** caused four checks to be drawn on the accounts referenced in the preceding paragraph. The total amount of these checks was approximately \$50,000.00. The two checks dated September 15, 2006 were check numbers 0500003177 and 0500003178 drawn on account number 5082290022749912, written to Nextel and "JTS" respectively. The check written to Nextel was mailed directly from CitiBank to the Nextel business location in Kettering, Ohio. The JTS check was mailed directly from CitiBank to Post Office Box 291882, a post office box in the name of **STEPHEN M. MOBLEY** and Kelly Mobley. The two checks dated

September 18, 2006 were check numbers 0510003134 and 0510003135 drawn on account number 5082290040310267 written to Five Star and KWTB, Inc respectively. Both Five Star and KWTB, Inc. are business owned by or affiliated with **TED BETTKER**. The check written to Five Star was mailed directly from CitiBank to Post Office Box 49398 and the check written to KWTB, Inc. was mailed directly from CitiBank to Post Office Box 1021, both in the name of **TED BETTKER** and opened at the direction of **STEPHEN M. MOBLEY**.

17. Defendants **GEORGE NELSON, TONY MCKINLEY, TONY STONEROCK**, and **JASON SMITH** provided **STEPHEN M. MOBLEY** with their personal identifiers (social security number, date of birth, etc.) and other relevant information for the purpose of allowing **STEPHEN M. MOBLEY** to submit fraudulent business credit card applications, pursuant to their respective agreements with **STEPHEN M. MOBLEY** whereby these individuals would obtain access to a certain percentage of the credit limit on the fraudulent account (usually 50%) and **STEPHEN M. MOBLEY** would obtain access to the remaining percentage.
18. In addition to the acts outlined above, on or about March 23, 2006, **STEPHEN M. MOBLEY** opened or caused to be opened three fraudulent CitiBank accounts (billing account numbers 5082290000158110, 5082290007482844, 5082290001238127) in the name of a person known to the Grand Jury as L.W., a deceased individual and a relation of co-conspirator **TONY STONEROCK**, a defendant named herein. The fraudulent accounts were opened using L.W.'s

name but using a fraudulent social security number, and under the business name of Bridgetech, a legitimate business located in Cincinnati, Ohio but one with which neither **STEPHEN M. MOBLEY**, **TONY STONEROCK**, nor L. W. were affiliated. The record billing address for these fraudulent accounts was that of co-conspirator **TONY STONEROCK**.

19. During the period covered by the instant Indictment, **STEPHEN M. MOBLEY** wrote or caused to be written on the fraudulent CitiBank business accounts that he opened under the names of his co-conspirators named in this Indictment checks to pay against the balance on a Bank of America credit card in his name (#4339930014466876). The record billing address for this credit card is the address of co-conspirator **TONY STONEROCK**, a defendant named herein.
20. Additionally, each of the defendants made purchases using the fraudulent credit cards **STEPHEN M. MOBLEY** obtained for them under their name or wrote checks (or caused checks to be written for them) on the fraudulent accounts opened by **STEPHEN M. MOBLEY**, or allowed **STEPHEN M. MOBLEY** to write checks (or cause checks to be written) on these same accounts. Examples include, but are not limited to, those detailed in the following paragraphs.
21. On or about March 7, 2006, **JASON SMITH** purchased a 1999 GM Sierra from Select Auto Exchange in Dayton, Ohio. **JASON SMITH** paid for the purchase by charging \$9,824.45 on a fraudulent CitiBank business credit card that **STEPHEN M. MOBLEY** had obtained for him (#5588280025024354, Jason

Smith, Five Star) and \$9,824.45 on a different fraudulent card (#5588280012651961, Jason Smith, Five Star).

22. On or about July 19, 2006, **TONY STONEROCK** purchased a 2006 GMC sports utility vehicle from Bill DeLord Auto Center in Lebanon, Ohio in the amount of \$44,361.15 using a fraudulent business credit card that **STEPHEN M. MOBLEY** had obtained for him (#5588280002866280, Tony Stonerock, Planet Products).
23. On or about August 1, 2006, **GEORGE NELSON** obtained \$8,500.00 in the form of a cash advance against a fraudulent CitiBank business credit card account (#5588280021351074, George Nelson, Jena Tool) that **STEPHEN M. MOBLEY** had obtained for him at the National City Bank branch in Kettering, Ohio.
24. On or about March 5, 2006, **STEPHEN M. MOBLEY** purchased or caused to be purchased four plane tickets on Southwest Airlines in the names of Kelly Mobley, Stephen Mobley, Gerald Estell, and Daniell Reusch (total price \$2273.60) using a fraudulent CitiBank business credit card account (#5588280036786579, K. Miller, Candy Bouquet).
25. In addition to the above, all of the defendants used or allowed their residential mailboxes to be used to receive the fraudulent CitiBank business credit cards and checks referenced in this Indictment.

COUNT 2
MAIL FRAUD (18 U.S.C. § 1341 and 2)

1. The Grand Jury realleges and incorporates by reference Part B (and all subparagraphs) of Count 1 of the Indictment as though set forth in full herein as a description of the scheme and artifice to defraud.

2. Or about August 25, 2006, **STEPHEN M. MOBLEY**, in the Southern District of Ohio, having knowingly executed and attempted to execute a scheme and artifice to defraud CitiBank, and to obtain the moneys, funds, credits, assets, securities and other property owned by or under the custody and control of Citibank, by means of false or fraudulent pretenses, representations, or promises, for the purpose of executing and in order to effect the scheme and artifice to defraud, did knowingly cause to be sent, delivered, and moved, by the United States Postal Service, fraudulent business credit cards and checks from CitiBank, 701 East 60th Street North, Sioux Falls, SD 57117, to **TED BETTKER**, 722 Peach Orchard Drive, Dayton, Ohio 45449.

All in violation of 18 U.S.C. §§ 1341 and 2.

COUNT 3
AGGRAVATED IDENTITY THEFT (18 U.S.C. § 1028A)

1. The Grand Jury realleges and incorporates Count 2 of the Indictment as though set forth in full herein.

2. On or about August 25, 2006, during and in relation to the felony violation enumerated in Count 2, defendant **STEPHEN M. MOBLEY** did knowingly possess and use, without lawful authority, a means of identification of another person, namely, the social security number (**-**-9805) of a person known to the Grand Jury and identified herein as L.G.

In violation of 18 U.S.C. § 1028A.

FORFEITURE

Upon conviction of one or more of the offenses alleged in Count 1 (Conspiracy to Commit Bank, Wire, and Mail Fraud) and Count 2 (Mail Fraud) of this Indictment, defendants **STEPHEN M. MOBLEY, TED BETTKER, GEORGE NELSON, TONY STONEROCK, and JASON SMITH**, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2) or 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property constituting or derived from proceeds obtained directly or indirectly as a result of the said violations, including but not limited to the following:

Money Judgment

A sum of money equal to the total amount of money, representing the amount of proceeds obtained as a result of the offense 18 U.S.C. § 1349 (Conspiracy to Commit Bank, Wire, and Mail Fraud), for which the defendants are jointly and severally liable.

Vehicle

From **JASON SMITH**, a 1999 GMC Sierra truck, registered and titled in the name of **JASON SMITH**.

If any of the above-described forfeitable property, as a result of any act or omission of one of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) as incorporated by 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A TRUE BILL.

15/
GRAND JURY FOREPERSON

**GREGORY G. LOCKHART
UNITED STATES ATTORNEY**


**ANTHONY SPRINGER
Deputy Criminal Chief**